

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14169US02)

***In the Application of:***

Jeyhan Karaoguz et al.

***U.S. Patent:*** 7,787,419

***Issue Date:*** August 31, 2010

***Serial No.:*** 10/606,565

***Filed:*** June 26, 2003

***For:*** METHOD AND SYSTEM FOR  
PROVIDING A MESH NETWORK USING  
A PLURALITY OF WIRELESS ACCESS  
POINTS (WAPS)

***Examiner:*** Blanche Wong

***Group Art Unit:*** 2476

***Confirmation No.*** 4707

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Transmitted via the Office electronic filing  
system November 1, 2010.

**APPLICATION FOR RECONSIDERATION OF THE  
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b)  
INDICATED IN THE PATENT (37 CFR § 1.705(d))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

The Applicant respectfully requests reconsideration of the patent term adjustment indicated on the cover page of the patent ("the patent PTA decision"), to the extent indicated in the following discussion and the enclosed modified version of the current USPTO Patent Term Adjustment calculation on PAIR ("The Spreadsheet"). The spreadsheet and the total PTAs indicated in this paper also reflect aspects of the current USPTO Patent Term Adjustment calculation on PAIR that have already been the subject of an earlier request for recalculation under 37 CFR § 1.705(b).

This application for reconsideration of the patent PTA decision is being filed within two months after the patent issue date.

This application for reconsideration of the patent PTA decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the patent PTA decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items that arose after allowance.

The Applicant's calculation shows that the correct patent term adjustment, accounting for previously disputed and presently disputed items, should be 1109 days.

The bases under § 1.702 and 37 CFR § 1.705(d) for the adjustment are as follows.

## **Positive Patent Term Adjustment**

### **Three Year Guarantee (35 USC § 154(b)(1)(B))**

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 506 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 507 days, minus 0 days consumed by an appeal, for a net adjustment of 507 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was June 26, 2003,
- the third anniversary of the actual filing date was June 26, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on November 15, 2007,
- the first RCE was filed 507 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Based on experience with other patent term adjustment calculations, the applicant understands the USPTO's position on this point to be that the patent

term adjustment under the Three Year Guarantee (35 USC § 154(b)(1)(B)) ends on the day before the first RCE is filed. The apparent rationale is that the day the RCE is filed is Day 1 that the patent term adjustment has stopped accumulating.

The applicant respectfully submits that this position is inconsistent with the statute and other USPTO calculations based on events that interrupt the accumulation of patent term adjustments.

First addressing consistency with the statute, the USPTO has determined that time for purposes of assessing a PTA is calculated in two ways: one way when the statute calls for calculation of a delay or interval between two events, and the other way when the statute calls for calculation of the number of days on which a proceeding is pending. This differentiation between the two calculations is understood to turn on the words of the statute. The only part of the statute that calls for a determination of the number of days on which a proceeding is pending is 35 USC § 154(b)(1)(C), which states:

**35 USC § 154(b)(1)(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS.-** Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to-

- (i) a proceeding under section 135(a);
- (ii) the imposition of an order under section 181; or
- (iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

To provide a simple example, if an appeal were filed on Monday and decided on Friday, the appellate review was pending on Monday, Tuesday, Wednesday, Thursday, and Friday, thus on five days.

In contrast, the part of the statute relevant to an RCE capping the accrual of a PTA under the three year guarantee is 35 USC § 154(b)(1)(B), which states:

**35 USC § 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY.**- Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including-

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C),

the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

Reverting again to the above simple example, if an appeal were filed on Monday and decided on Friday, the “time consumed by appellate review” is calculated by setting Monday equal to Day 0, Tuesday equal to Day 1, Wednesday equal to Day 2, Thursday equal to Day 3, and Friday equal 4, thus an elapsed time of FOUR, days, not FIVE as in the preceding example that called for calculation of the number of days a proceeding was pending. In other words, “time consumed by appellate review” calls for the almost universal system for calculation of deadlines in courts and the USPTO, where the starting event from which the deadline is calculated is Day 0, and the succeeding days are assigned consecutive numbers until the day the deadline is reached.

The “time consumed by continued examination,” like the “time consumed by [an appeal, an interference, or a secrecy order],” all under 35 USC § 154(b)(1)(B), is expressed in different words than “each day of the pendency of the proceeding order, or review,” all under the provisions of 35 USC § 154(b)(1)(C), thus these two expressions in different parts of the same statutory section can be assumed to have different meanings as explained above.

In most situations, this is how the USPTO interprets the statute. For example, again based on USPTO petition practice experienced by the applicant, when a successful appeal is prosecuted in an application that was pending more than three years, the USPTO subtracts appeal time from accrual of time under the three year guarantee by treating the date the Notice of Appeal is filed as Day 0, the date n days later when the appeal decision is mailed as Day n, simply determines that the appeal has been pending for n days, and subtracts n from the accrued time under the 3-year rule. To calculate the PTA accrued due to the prosecution of a successful appeal, however, the USPTO treats the starting date as Day 1, the date n days later when the appeal decision is mailed as Day n + 1, and determines that there were n+1 days on which the appeal was pending, and that is the PTA for appeal delay.

Now addressing consistency with other calculations, the subtraction from the three-year guarantee for an RCE is based on 35 USC § 154(b)(1)(B)(i), which calls for a subtraction based on “(i) any time consumed by continued examination of the application requested by the applicant under section 132(b).” The subtraction from the three-year guarantee for an appeal is based on parallel language of 35 USC § 154(b)(1)(B)(ii), which calls for a subtraction based on “(ii) ... any time consumed by appellate review by the Board of Patent Appeals and Interferences.” This parallel language calls for RCE subtraction and appeal subtraction to be based on the same method of time computation. But they are not.

As pointed out above, the filing date of an RCE is counted as Day 1 of reduction of PTA, so time stops accruing on the three-year guarantee the day before the RCE is filed. But the filing date of a Notice of Appeal is counted as Day 0 of reduction of PTA, so time stops accruing on the three-year guarantee the day the Notice of Appeal is filed. These positions are inconsistent interpretations of the same statutory language. The RCE computation is in error because the statute calls for routine computation of time in both situations, with the starting day of a period counted as Day 0, while the USPTO position is that the day the RCE is filed is Day 1.

Another example of an inconsistency resulting from ending the three-year delay the day before the first RCE was filed is the following. The patent term adjustment under the Three Year Guarantee permanently stops accruing or is "capped" in two situations: when the patent issues or when the first RCE is filed. Based on experience with other patent term adjustment calculations, the applicant understands the USPTO policy respecting issue of the patent is that the issue date of the patent is Day 0 that the patent term adjustment stops accruing. In other words, the PTA on this ground is capped on the day the patent issues, not the day before the patent issues. Exactly analogously to the issue date of the patent, the date an RCE is filed is a triggering event that caps the PTA. No reason is apparent why the issue date of a patent is Day 0 on which the PTA has been capped and the filing date of an RCE is day 1 after the PTA has been capped.

For these reasons, the USPTO policy for calculation of the effect of filing an RCE on accrual of the three-year guarantee is in error, and provides a PTA one day shorter than it should be. Correction is respectfully requested.

## **Reductions in Patent Term Adjustment**

### **Three Months to Pay Issue Fee (37 CFR § 1.704(b))**

The applicant is contesting the following application(s) of 37 CFR § 1.704(b) to reduce the patent term adjustment in the present application.

- The Notice of Allowance was mailed on March 26, 2010,
- The date three months after the mailing date of the Notice of Allowance is Saturday, June 26, 2010,
- The issue fee was paid on Monday, June 28, 2010,
- The reduction in the patent term adjustment proposed by the USPTO is 2 days,
- The Applicant's position is that the present issue fee paid on the first business day after a deadline falling on a weekend or holiday

is not late, establishing the correct reduction in patent term adjustment is 0 days.

The Applicant relies primarily on 37 CFR § 1.7(a), which states in relevant part: "When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday." Further, the statute corresponding to 37 CFR § 1.7(a), 35 U.S.C. § 21(b), states,

When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day.

37 CFR § 1.7(a) and 35 U.S.C. § 21(b) are applicable to the present facts because the last day set by statute (35 USC § 154(b)(2)(C)(ii)) for taking the action of filing a response to an Office action without being "deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application," falls on a Saturday, Sunday, or on a Federal holiday within the District of Columbia. See also 37 CFR § 1.6(a)(1), which states in relevant part, "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia...."

Based on experience with other patent term adjustment calculations, the applicant understands the USPTO's position on this point to be that 35 U.S.C. 154(b)(2)(C)(ii) does not require that a reply be filed in the Office within its three month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three month period. Therefore, the "carry-over" provision of 35 U.S.C. § 21(b) does not apply to the three month period in 35 U.S.C. 154(b)(2)(C)(ii).

First, the Applicant respectfully submits that the USPTO argument interprets “the last day [ ] for taking any action” under 35 U.S.C. § 21(b) inconsistently when determining the timeliness of the Office action response respecting the need for

- a PTA reduction, versus
- a fee and petition for extension of time for response outside the shortened statutory period for response.

In the case of assessing a PTA reduction, the USPTO argued in the other application that:

However, Applicant will note that 35 U.S.C. 154(b)(2)(C)(ii) [footnote omitted] does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three (3) month period. Therefore, the “carry-over” provisions of 35 U.S.C. § 21(b) [footnote omitted] does not apply to the three (3) month period in 35 U.S.C. 154(b)(2)(C)(ii).

Since the reply is not “required” within three months, the USPTO held that 35 U.S.C. § 21(b) does not apply to make a response nominally due on Saturday timely on Monday.

But the USPTO reasons differently when determining whether a fee and petition for extension of time are owed for a response outside the shortened statutory period for response and short of the six-month absolute statutory deadline. For example, consider the 3-month shortened statutory period for response to an Office action. In that case, the USPTO “does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a [petition and fee for extension of time required] if a reply is not filed within this three (3) month period.” Yet, when the Office action responses at issue are nominally due on Saturday but filed on Monday, in accordance with USPTO rules and policy, no petition or fee for extension of time is required. The deadline is carried over, by operation of 35 U.S.C. § 21(b), to the following business day.



The extension of time situation and the PTA reduction situation are exactly analogous, for purposes of the USPTO's argument: A response within three months is not required, although a response filed more than three months later results in a penalty. If a response is nominally due on Saturday, but filed the following Monday, no petition and fee for extension of time is required. Yet, in the same situation respecting the same Office action, a PTA reduction is assessed. To be consistent, however, the "last day [ ] for taking [ ] action" under 35 U.S.C. § 21(b) must be Saturday in each case, and carry over to Monday in each case.

The same reasoning applies to the deadlines for paying maintenance fees. The last day for paying the first maintenance fee without penalty is 3 ½ years after the patent issues. A fee can be paid later, up to four years after the patent issues, but a penalty is assessed for late payment. Yet, if the 3 ½ year deadline falls on a weekend or holiday, the payment is timely, and no fee is assessed, on the next business day.

In short, the USPTO applies the saving provision of 35 U.S.C. § 21(b) to other due dates that are not the final deadline for response, and does not apply the penalty for filing late when the nominal deadline is on a weekend or holiday and the response is filed on the next business day. Thus, to be consistent, and to correctly interpret 35 U.S.C. § 21(b), the same provision must be applied to the three-month due date for filing a response without losing days of PTA.

Second, the USPTO cannot reasonably take the position that the Applicant unreasonably delayed prosecution of the application by waiting from a weekend or holiday, when the USPTO is closed for business, until the next day when the USPTO is open for business, to file a response. Rule 1.6(a)(1) plainly states: "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia." It is plainly inconsistent with this rule to require the Applicant to file correspondence on a Saturday to avoid losing part of the term of the patent.

Finally, there are at least two important policy reasons for allowing a response due on a Saturday, Sunday, or holiday to be filed on the next business

day without finding an unreasonable delay of prosecution. One reason is that the USPTO examining staff is not required to go to work and is almost entirely absent on those days, so it would be an empty gesture to require papers to be filed a Saturday, Sunday, or holiday, rarely to be read until the next business day. No delay of prosecution results. A second reason is that it is entirely reasonable for the Applicant to do no work and attend to his or her personal and family life on weekends, not an "unreasonable delay of prosecution." Those are the reasons why 35 U.S.C. § 21(b) was enacted, allowing that which is due on a Saturday, Sunday, or holiday to be filed on the next business day without a penalty. PTA is not really a different case, so it should be treated the same as extensions of time or the maintenance fee grace period.

### **Net Patent Term Adjustment**

The changes requested by the Applicant to the USPTO patent term adjustment determination in the patent PTA decision are as follows:

### **Positive Patent Term Adjustment**

- **Three Year Guarantee  
(35 USC § 154(b)(1)(B))**

|                              | <b>Patent Term<br/>Adjustment<br/>(days)</b> |
|------------------------------|--|
| <b>USPTO Calculation</b>     | 506  |
| <b>Applicant Calculation</b> | 507  |

### **Reductions in Patent Term Adjustment**

- **Three Months to Pay Issue Fee (37 CFR § 1.704(b))**

|  | <b>Patent Term<br/>Adjustment</b> |
|--|-----------------------------------|
|--|-----------------------------------|

|                              |               |
|------------------------------|---------------|
|                              | <b>(days)</b> |
| <b>USPTO Calculation</b>     | 2             |
| <b>Applicant Calculation</b> | 0             |

## Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1109 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: November 1, 2010

By: /Hopeton S. Walker/  
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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/606,565

Docket No. 14169US02

USPTO

| DATE                       | EVENT  | CALCULATION |             | APPLICANT'S CALCULATION |             |
|----------------------------|--|-------------|-------------|-------------------------|-------------|
|                            |  | PTO Delay   | Appl. Delay | PTO Delay               | Appl. Delay |
| Tuesday, August 31, 2010   | Patent Issue Date Used in PTA Calculation      |             |             |                         |             |
| Thursday, August 05, 2010  | Export to Final Data Capture                   |             |             |                         |             |
| Wednesday, August 04, 2010 | Dispatch to FDC                                |             |             |                         |             |
| Wednesday, July 28, 2010   | Mail-Petition Decision - Dismissed             |             |             |                         |             |
| Wednesday, July 28, 2010   | Petition Decision - Dismissed                  |             |             |                         |             |
| Wednesday, July 28, 2010   | Adjustment of PTA Calculation by PTO           |             |             |                         |             |
| Wednesday, July 28, 2010   | Adjustment of PTA Calculation by PTO           |             | 15          |                         | 15          |
| Tuesday, July 06, 2010     | Application Is Considered Ready for Issue      |             |             |                         |             |
| Tuesday, July 06, 2010     | Mail Response to 312 Amendment (PTO-271)       |             |             |                         | 9:00        |
| Friday, July 02, 2010      | Response to Amendment under Rule 312           |             |             |                         |             |
| Monday, June 28, 2010      | Issue Fee Payment Verified                     |             | 2           |                         | 0           |
| Monday, June 28, 2010      | Amendment after Notice of Allowance (Rule 312) |             | 9           |                         |             |
| Monday, June 28, 2010      | Issue Fee Payment Received                     |             |             |                         |             |
| Saturday, June 26, 2010    | Three months after Allowance                   |             |             |                         |             |





|                            |  |  |    |
|----------------------------|--|--|----|
| Tuesday, February 24, 2009 | Response after Non-Final Action                    |  |    |
| Monday, November 24, 2008  | Mail Non-Final Rejection                           |  |    |
| Friday, November 21, 2008  | Non-Final Rejection                                |  |    |
| Sunday, October 05, 2008   | Case Docketed to Examiner in GAU                   |  |    |
| Tuesday, August 19, 2008   | Date Forwarded to Examiner                         |  |    |
| Tuesday, August 19, 2008   | Date Forwarded to Examiner                         |  |    |
| Tuesday, August 19, 2008   | Disposal for a RCE / CPA / R129                    |  |    |
| Monday, August 11, 2008    | New or Additional Drawing Filed                    |  |    |
| Monday, August 11, 2008    | Amendment Submitted/Entered with Filing of CPA/RCE |  |    |
| Monday, August 11, 2008    | Request for Continued Examination (RCE)            |  |    |
| Monday, August 11, 2008    | Workflow - Request for RCE - Begin                 |  |    |
| Monday, June 09, 2008      | Mail Final Rejection (PTOL - 326)                  |  |    |
| Monday, June 09, 2008      | Final Rejection                                    |  |    |
| Saturday, May 17, 2008     | Date Forwarded to Examiner                         |  |    |
| Monday, April 28, 2008     | Response after Non-Final Action                    |  | 31 |
| Monday, April 28, 2008     | Request for Extension of Time - Granted            |  |    |
| Friday, April 11, 2008     | Case Docketed to Examiner in GAU                   |  |    |

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| 10/606,565 | SYSTEM AND METHOD FOR PROVIDING A MESH NETWORK USING A PLURALITY OF WIRELESS ACCESS POINTS (WAPS) | 10-08-2010::12:50:25 |
|------------|---|----------------------|

**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/606,565

|                        |            |  |      |
|------------------------|------------|--|------|
| Filing or 371(c) Date: | 06-26-2003 | Overlapping Days Between {A and B} or {A and C}: | 268  |
| Issue Date of Patent:  | 08-31-2010 | Non-Overlapping USPTO Delays:                    | 1175 |
| A Delays:              | 937        | PTO Manual Adjustments:                          | -15  |
| B Delays:              | 506        | Applicant Delays:                                | 54   |
| C Delays:              | 0          | Total PTA Adjustments:                           | 1106 |

**Patent Term Adjustment History Explanation Of Calculations**

| Number | Date       | Contents Description                           | PTO (Days) | APPL (Days) | Start |
|--------|------------|--|------------|-------------|-------|
| 139.5  | 11-14-2007 | PTA 36 Months                                  | 506        |             | 0     |
| 139    | 08-31-2010 | Patent Issue Date Used in PTA Calculation      |            |             | 0     |
| 138    | 08-05-2010 | Export to Final Data Capture                   |            |             | 0     |
| 137    | 08-04-2010 | Dispatch to FDC                                |            |             | 0     |
| 136    | 07-28-2010 | Mail-Petition Decision - Dismissed             |            |             | 0     |
| 135    | 07-28-2010 | Petition Decision - Dismissed                  |            |             | 0     |
| 134    | 07-28-2010 | Adjustment of PTA Calculation by PTO           |            |             | 0     |
| 134    | 07-28-2010 | Adjustment of PTA Calculation by PTO           |            | 15          | 0     |
| 133    | 06-25-2010 | Petition Entered                               |            |             | 0     |
| 132    | 07-06-2010 | Application Is Considered Ready for Issue      |            |             | 0     |
| 131    | 07-06-2010 | Mail Response to 312 Amendment (PTO-271)       |            |             | 0     |
| 130    | 07-02-2010 | Response to Amendment under Rule 312           |            |             | 0     |
| 129    | 06-28-2010 | Issue Fee Payment Verified                     |            | 2           | 116   |
| 125    | 06-28-2010 | Amendment after Notice of Allowance (Rule 312) |            | 9           | 131   |
| 124    | 06-28-2010 | Issue Fee Payment Received                     |            |             | 0     |
| 123    | 05-27-2010 | Finished Initial Data Capture                  |            |             | 0     |
| 122    | 05-27-2010 | Mail Response to 312 Amendment (PTO-271)       |            |             | 0     |
| 121    | 05-26-2010 | Response to Amendment under Rule 312           |            |             | 0     |

|     |            |   |    |     |
|-----|------------|---|----|-----|
| 120 | 05-18-2010 | Amendment after Notice of Allowance (Rule 312)          | 10 | 122 |
| 119 | 05-13-2010 | Mail PUB other miscellaneous communication to applicant |    | 0   |
| 118 | 05-12-2010 | PUB Other miscellaneous communication to applicant      |    | 0   |
| 117 | 03-30-2010 | Export to Initial Data Capture                          |    | 0   |
| 116 | 03-26-2010 | Mail Notice of Allowance                                |    | 0   |
| 115 | 03-25-2010 | Issue Revision Completed                                |    | 0   |
| 114 | 03-25-2010 | Document Verification                                   |    | 0   |
| 113 | 03-25-2010 | Notice of Allowance Data Verification Completed         |    | 0   |
| 112 | 03-25-2010 | Notice of Allowability                                  |    | 0   |
| 111 | 03-22-2010 | Information Disclosure Statement considered             |    | 0   |
| 106 | 03-22-2010 | Information Disclosure Statement (IDS) Filed            |    | 0   |
| 105 | 03-22-2010 | Electronic Information Disclosure Statement             |    | 0   |
| 104 | 03-22-2010 | Request for Continued Examination (RCE)                 |    | 0   |
| 103 | 03-23-2010 | Disposal for a RCE / CPA / R129                         |    | 0   |
| 102 | 03-22-2010 | Workflow - Request for RCE - Begin                      |    | 0   |
| 101 | 03-02-2010 | Export to Initial Data Capture                          |    | 0   |
| 100 | 02-24-2010 | Mail Notice of Allowance                                |    | 0   |
| 99  | 02-24-2010 | Issue Revision Completed                                |    | 0   |
| 98  | 02-24-2010 | Document Verification                                   |    | 0   |
| 97  | 02-23-2010 | Notice of Allowance Data Verification Completed         |    | 0   |
| 96  | 02-23-2010 | Case Docketed to Examiner in GAU                        |    | 0   |
| 95  | 02-23-2010 | Notice of Allowability                                  |    | 0   |
| 91  | 02-16-2010 | Date Forwarded to Examiner                              |    | 0   |
| 90  | 02-11-2010 | Amendment after Final Rejection                         |    | 0   |
| 89  | 12-21-2009 | Mail Final Rejection (PTOL - 326)                       |    | 0   |

|    |            |  |    |    |
|----|------------|--|----|----|
| 88 | 12-17-2009 | Final Rejection                                    |    | 0  |
| 85 | 10-07-2009 | Date Forwarded to Examiner                         |    | 0  |
| 84 | 09-14-2009 | Response after Non-Final Action                    | 2  | 82 |
| 83 | 10-07-2009 | Case Docketed to Examiner in GAU                   |    | 0  |
| 82 | 06-12-2009 | Mail Non-Final Rejection                           |    | 0  |
| 81 | 06-11-2009 | Non-Final Rejection                                |    | 0  |
| 77 | 04-09-2009 | Date Forwarded to Examiner                         |    | 0  |
| 76 | 02-24-2009 | Response after Non-Final Action                    |    | 0  |
| 75 | 11-24-2008 | Mail Non-Final Rejection                           |    | 0  |
| 74 | 11-21-2008 | Non-Final Rejection                                |    | 0  |
| 69 | 10-05-2008 | Case Docketed to Examiner in GAU                   |    | 0  |
| 68 | 08-11-2008 | New or Additional Drawing Filed                    |    | 0  |
| 67 | 08-19-2008 | Date Forwarded to Examiner                         |    | 0  |
| 66 | 08-11-2008 | Amendment Submitted/Entered with Filing of CPA/RCE |    | 0  |
| 65 | 08-19-2008 | Date Forwarded to Examiner                         |    | 0  |
| 64 | 08-11-2008 | Request for Continued Examination (RCE)            |    | 0  |
| 63 | 08-19-2008 | Disposal for a RCE / CPA / R129                    |    | 0  |
| 62 | 08-11-2008 | Workflow - Request for RCE - Begin                 |    | 0  |
| 61 | 06-09-2008 | Mail Final Rejection (PTOL - 326)                  |    | 0  |
| 60 | 06-09-2008 | Final Rejection                                    |    | 0  |
| 56 | 05-17-2008 | Date Forwarded to Examiner                         |    | 0  |
| 55 | 04-28-2008 | Response after Non-Final Action                    | 31 | 52 |
| 54 | 04-28-2008 | Request for Extension of Time - Granted            |    | 0  |
| 53 | 04-11-2008 | Case Docketed to Examiner in GAU                   |    | 0  |
| 52 | 12-28-     | Mail Non-Final Rejection                           |    | 0  |

|      |            |   |   |
|------|------------|---|---|
|      | 2007       |   |   |
| 51   | 12-26-2007 | Non-Final Rejection                                     | 0 |
| 50   | 12-11-2007 | Date Forwarded to Examiner                              | 0 |
| 49   | 11-30-2007 | Response after Non-Final Action                         | 0 |
| 48   | 11-30-2007 | New or Additional Drawing Filed                         | 0 |
| 47   | 11-23-2007 | Mail Notice of Informal or Non-Responsive RCE Amendment | 0 |
| 46   | 11-21-2007 | Notice of Informal or Non-Responsive RCE Amendment.     | 0 |
| 45   | 11-15-2007 | New or Additional Drawing Filed                         | 0 |
| 44   | 11-21-2007 | Date Forwarded to Examiner                              | 0 |
| 43   | 11-15-2007 | Amendment Submitted/Entered with Filing of CPA/RCE      | 0 |
| 42   | 11-21-2007 | Date Forwarded to Examiner                              | 0 |
| 41   | 11-15-2007 | Request for Continued Examination (RCE)                 | 0 |
| 40   | 11-21-2007 | Disposal for a RCE / CPA / R129                         | 0 |
| 39   | 11-15-2007 | Workflow - Request for RCE - Begin                      | 0 |
| 38   | 10-04-2007 | Case Docketed to Examiner in GAU                        | 0 |
| 37   | 08-20-2007 | Mail Final Rejection (PTOL - 326)                       | 0 |
| 36   | 08-17-2007 | Final Rejection   | 0 |
| 35   | 04-16-2007 | Information Disclosure Statement considered             | 0 |
| 34   | 04-16-2007 | Information Disclosure Statement considered             | 0 |
| 33   | 06-21-2007 | Date Forwarded to Examiner                              | 0 |
| 32   | 06-20-2007 | Response after Non-Final Action                         | 0 |
| 31.7 | 04-16-2007 | Electronic Information Disclosure Statement             | 0 |
| 31   | 04-16-2007 | Information Disclosure Statement (IDS) Filed            | 0 |
| 30.7 | 04-16-2007 | Information Disclosure Statement (IDS) Filed            | 0 |
| 30   | 04-16-2007 | Information Disclosure Statement (IDS) Filed            | 0 |

|    |            |  |     |    |
|----|------------|--|-----|----|
| 29 | 03-21-2007 | Mail Non-Final Rejection                   | 937 | -1 |
| 28 | 03-19-2007 | Non-Final Rejection                        |     | 0  |
| 27 | 02-27-2007 | Case Docketed to Examiner in GAU           |     | 0  |
| 26 | 11-16-2006 | Case Docketed to Examiner in GAU           |     | 0  |
| 25 | 10-05-2006 | Case Docketed to Examiner in GAU           |     | 0  |
| 24 | 03-21-2006 | Case Docketed to Examiner in GAU           |     | 0  |
| 23 | 01-07-2005 | Miscellaneous Incoming Letter              |     | 0  |
| 22 | 07-06-2004 | IFW TSS Processing by Tech Center Complete |     | 0  |
| 21 | 06-29-2004 | Case Docketed to Examiner in GAU           |     | 0  |
| 20 | 04-30-2004 | Transfer Inquiry to GAU                    |     | 0  |
| 19 | 02-27-2004 | Case Docketed to Examiner in GAU           |     | 0  |
| 18 | 09-25-2003 | Application Return from OIPE               |     | 0  |
| 17 | 09-25-2003 | Application Return TO OIPE                 |     | 0  |
| 16 | 09-25-2003 | Application Return from OIPE               |     | 0  |
| 15 | 09-25-2003 | Application Is Now Complete                |     | 0  |
| 14 | 09-24-2003 | Application Return TO OIPE                 |     | 0  |
| 13 | 09-24-2003 | Application Return from OIPE               |     | 0  |
| 12 | 09-25-2003 | Application Is Now Complete                |     | 0  |
| 11 | 09-24-2003 | Application Return TO OIPE                 |     | 0  |
| 10 | 09-24-2003 | Application Return from OIPE               |     | 0  |
| 9  | 09-24-2003 | Application Is Now Complete                |     | 0  |
| 8  | 09-24-2003 | Pre-Exam Office Action Withdrawn           |     | 0  |
| 7  | 09-24-2003 | Application Return TO OIPE                 |     | 0  |
| 6  | 09-24-2003 | Application Dispatched from OIPE           |     | 0  |
| 5  | 09-24-2003 | Application Is Now Complete                |     | 0  |



|   |            |                                      |   |
|---|------------|--------------------------------------|---|
| 4 | 09-10-2003 | CASE CLASSIFIED BY OIPE              | 0 |
| 3 | 09-10-2003 | Cleared by OIPE CSR                  | 0 |
| 2 | 09-09-2003 | IFW Scan & PACR Auto Security Review | 0 |
| 1 | 06-26-2003 | Initial Exam Team nn                 | 0 |

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